

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

EMILY LEGG,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 00-CV-166-WDS
)	
UNITED STATES OF AMERICA,))	
)	
Respondent.)	

ORDER

STIEHL, District Judge:

Before the Court is petitioner's Notice of Appeal, which the Court construes to include a motion for issuance of certificate of appealability. Also before the Court are petitioner's motions to proceed *in forma pauperis* and for appointment of counsel, which the Court takes as filed in relation to petitioner's appeal.

A district court may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c). Upon review, the Court finds that petitioner has not made such a showing. Accordingly, the Court **DENIES** petitioner's request for issuance of certificate of appealability.

Based upon petitioner's affidavit of indigency and accompanying trust fund statement, the Court finds that petitioner lacks the ability to prepay the costs and fees of this appeal. However, petitioner's motion for appointment of counsel is more properly directed to the Court of Appeals.

Accordingly, the Court **GRANTS** petitioner's motion to proceed on appeal *in forma pauperis* and **DENIES** petitioner's motion for appointment of counsel.

IT IS SO ORDERED.

DATED: May 6, 2005.

s/ WILLIAM D. STIEHL
DISTRICT JUDGE